

Docket No: PRZYTULLA-20
Appl. No. 09/867,581

REMARKS

The last Office Action of May 4, 2005 has been carefully considered. Reconsideration of the instant application in view of the foregoing amendments and the following remarks is respectfully requested.

Claims 1, 2, 6-8, 19, 22, 25-28, 31, 33-36, 39, 43 and 44 are pending in the application. Claim 39 has been amended to render it allowable. Claims 2, 3, 4, 5, 10-18, 19-33, 37-38, 40-42 and 44-45 are canceled. No claims have been added. Claims 1, 6-9, 34-36 are allowed. A total of 10 claims is now on file. No claim surcharge is due. No amendment to the specification has been made. No fee is due.

Claims 39 and 43 stand rejected under 35 U.S.C. §102(b) as being unpatentable over U.S. Pat. No. 3,780,899 to Roper.

Record is made of an interview with the Examiner on September 1 and 2 regarding allowability of claim 39 in view of its features that are different from the cited art. As a result of the interview, applicant submits the amended claim 39.

REJECTION OF CLAIMS 39 AND 43 UNDER 35 U.S.C. §102(b) AS BEING ANTICIPATED BY ROPER

The rejection under 35 U.S.C. 102(b) is respectfully traversed.

In order to clearly distinguish the present invention from Roper, applicant has amended claim 39 by adding the term "longitudinal" before "cross section" in

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claim 39. Applicant believes that this change is merely cosmetic in nature to the wording of the claims and not relating to patentability. Applicant asserts that the amendments to claim 1 have not narrowed claims 39 and 43 to trigger prosecution history estoppel, but merely clarified the plane of the co-incident cross sections. This change is cosmetic in nature and unrelated to patentability and thus does not narrow the claim element to trigger prosecution history estoppel. The addition of the term "longitudinal" was discussed with the Examiner in a telephone discussion on September 2, 2005 relating to the allowability of claims 39 and 43. It was also agreed that claim 44 would be cancelled.

The rejection under 35 U.S.C. 102(a) is respectfully traversed.

The Roper reference discloses a drum having an indentation around its circumference approximately intermediate the length of the side walls. Roper does not disclose that the indentation coincides with the approximately square cross section the body of the drum at a midpoint section of the side wall.

In a section view of the drum according to claim 39 at the level of the circular indentation, it would be seen as a circle in the square and the circular circumference coinciding with the side walls of the square.

In contrast, the same viewpoint in Roper would show a circle in a square without any coinciding lines. Roper does not disclose this feature and therefore claim 39 distinguishes over the prior art in the same manner as the allowed claims. In addition, claim 43, which is dependent on claim 39 is therefore likewise allowable. Claim 44 was cancelled and the rejection thereof therefore moot.

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Accordingly, it is applicants' contention that the rejection under 35 U.S.C. §102(a) as being anticipated by Roper is untenable and should be withdrawn.

Withdrawal of the rejection of claims 39, 43, 44 under 35 U.S.C. §102(b) is thus respectfully requested.

CONCLUSION

Applicant believes that when reconsidering the claims in the light of the above comments, the Examiner will agree that the invention is in no way properly met or anticipated or even suggested by any of the references however they are considered.

None of the references discloses a drum with the indentations as claimed.

In view of the above presented remarks and amendments, it is respectfully submitted that all claims on file should be considered patentably differentiated over the art and should be allowed.

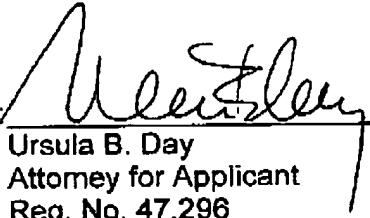
Reconsideration and allowance of the present application are respectfully requested.

Should the Examiner consider necessary or desirable any formal changes anywhere in the specification, claims and/or drawing, then it is respectfully requested that such changes be made by Examiner's Amendment, if the Examiner feels this would facilitate passage of the case to issuance. If the

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Examiner feels that it might be helpful in advancing this case by calling the undersigned, applicant would greatly appreciate such a telephone interview.

Respectfully submitted,

By 
Ursula B. Day
Attorney for Applicant
Reg. No. 47,296

Dated: September 6, 2005
350 Fifth Avenue
Suite 4714,
New York, NY 10118
Voice: 212-244-5500
Fax: 212-244-2233